

Debra I. Grassgreen (CA Bar No. 169978)
Malhar S. Pagay (CA Bar No. 189289)
PACHULSKI STANG ZIEHL & JONES LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, California 90067
Telephone: 310/277-6910
Facsimile: 310/201-0760
E-mail: dgrassgreen@pszjlaw.com
mpagay@pszjlaw.com

Attorneys for Richard M. Pachulski,
Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

LAYFIELD & BARRETT, APC,

Debtor

Case No.: 2:17-bk-19548-NB

Chapter 11

**NOTICE OF FILING OF MOTION FOR
ORDER APPROVING STIPULATION RE:
TRUSTEE'S MOTION FOR ORDER
APPROVING SURCHARGE OF SECURED
CREDITOR'S COLLATERAL**

[Relates to Docket No. 289]

Hearing:

Date: May 1, 2018

Time: 2:00 p.m.

Place: United States Bankruptcy Court
Edward R. Roybal Federal Building
255 E. Temple Street
Courtroom 1545
Los Angeles, California

Judge: Honorable Neil W. Bason

**TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE;
WELLEN STANDARD, LLC; THE DEBTOR; THE OFFICE OF THE UNITED STATES
TRUSTEE; PARTIES REQUESTING SPECIAL NOTICE; AND ALL PARTIES WHO
HAVE FILED PROOFS OF CLAIM OR INTEREST IN THIS CASE:**

PLEASE TAKE NOTICE that Richard M. Pachulski, in his capacity as Chapter 11 Trustee (the “Trustee”) of Layfield & Barrett, APC, has filed concurrently herewith a *Motion for Order Approving Stipulation Re: Trustee’s Motion for Order Approving Surcharge of Secured Creditor’s Collateral* [Docket No. 289] (the “Motion”), pursuant to Federal Rule of Bankruptcy Procedure 9019(a) (“Rule 9019”), to approve the stipulation [Docket No. 281] (the “Stipulation”)¹ between the Trustee and Wellgen Standard, LLC (“Wellgen”), resolving the disputes outlined in the *Motion for Order Approving Surcharge of Secured Creditor’s Collateral* (the “Surcharge Motion”) [Docket No. 239], the *Objection to Trustee’s Motion to Surcharge Creditor’s Collateral* [Docket No. 263], filed by Wellgen (the “Wellgen Surcharge Opposition”) and the *Trustee’s Response to Wellgen Standard’s Objection to Trustee’s Motion to Surcharge Creditor’s Collateral* [Docket No. 271] (the “Surcharge Reply”). The Motion, and the setting of the expedited hearing thereon, is made pursuant to the *Order Approving Stipulation Re: Trustee’s Motion for Order Approving Surcharge of Secured Collateral* [Docket No. 284] (the “Surcharge Tentative”).

PLEASE TAKE FURTHER NOTICE that a hearing regarding the Motion will be conducted on **May 1, 2018, at 2:00 p.m. (Pacific Time)**, or as soon thereafter as counsel may be heard before the Honorable Neil W. Bason, United States Bankruptcy Judge, in Courtroom 1545, 255 East Temple Street, Los Angeles, California 90012.

PLEASE TAKE FURTHER NOTICE that the Motion is based on this Notice of Motion, the Surcharge Motion, the Wellgen Surcharge Opposition, the Surcharge Reply, the Surcharge Tentative, Federal Rule of Bankruptcy Procedure 9019(a), Local Bankruptcy Rule 9013-1, the Memorandum of Points and Authorities and Declaration of Richard M. Pachulski filed in support of the Motion, and all pleadings, documents and records on file with this Court, as well as any other documentary evidence as may be presented to this Court. If you wish to obtain a copy of the Motion, please contact Beth Dassa, Paralegal, Pachulski Stang Ziehl & Jones LLP, 10100 Santa Monica Blvd., 13th Floor, Los Angeles, CA 90067; Telephone: 310-277-6910; Email: bdassa@pszjlaw.com.

¹ Capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

1 **PLEASE TAKE FURTHER NOTICE** that, pursuant to the Surcharge Tentative, if you
2 wish to oppose the Motion, you must file a written response with the Court and serve a copy of it so
3 it is received by the undersigned counsel no later than **April 30, 2018, at 12:00 p.m. (Pacific Time)**.
4 Replies to oppositions filed may be made orally at the hearing. The failure to properly file and serve
5 an opposition may be deemed consent to the relief requested in the Motion or a waiver of any right
6 to oppose the Motion.

7
8 DATED: April 23, 2018

PACHULSKI STANG ZIEHL & JONES LLP

9
10 By: /s/ Malhar S. Pagay
Malhar S. Pagay

11 Attorneys for Richard M. Pachulski,
12 Chapter 11 Trustee
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
10100 Santa Monica Boulevard, 13th Floor, Los Angeles, California 90067

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF FILING OF MOTION FOR ORDER APPROVING STIPULATION RE: TRUSTEE'S MOTION FOR ORDER APPROVING SURCHARGE OF SECURED CREDITOR'S COLLATERAL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **April 23, 2018**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **April 23, 2018**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Layfield & Barrett, APC
Fka Layfield & Wallace, APC
Fka The Layfield Law Firm, APC
Attn: Philip Layfield, Officer of Record
2720 Homestead Rd., Suite 210
Park City, UT 84098

Layfield & Barrett, APC
Fka Layfield & Wallace, APC
Fka The Layfield Law Firm, APC
Attn: Any Officer Other Than Philip Layfield
2720 Homestead Rd., Ste. 210
Park City, UT 84098

Layfield & Barrett, APC
Fka Layfield & Wallace, APC
Fka The Layfield Law Firm, APC
Attn: Philip Layfield, Officer of Record
Register No. 71408-050
MDC Los Angeles
Metropolitan Detention Center
P.O. Box 1500
Los Angeles, CA 90053

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **April 23, 2018**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY

Honorable Neil W. Bason
U.S. Bankruptcy Court
255 E. Temple Street, Room 940
Los Angeles, CA 90012
Attn: Mail Room Clerk-Judges Copies

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 23, 2018
Date

Myra Kulick
Printed Name

/s/ Myra Kulick
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Mailing Information for Case 2:17-bk-19548-NB

- Jason Balitzer jbalitzer@sulmeyerlaw.com, jbalitzer@ecf.inforuptcy.com; dwalker@ecf.inforuptcy.com; kmccamey@sulmeyerlaw.com
- Moises S Bardavid mbardavid@hotmail.com
- Daniel I Barness daniel@barnesslaw.com
- James W Bates jbates@jbateslaw.com
- Martin J Brill mjb@lnbrb.com
- Baruch C Cohen bcc@BaruchCohenEsq.com, paralegal@baruchcohenesq.com
- Jennifer Witherell Crastz jcrastz@hemar-rousso.com, DBrotman@hrhlaw.com
- Beth Gaschen bgaschen@wglp.com, kadele@wglp.com; vrosales@lwgfllp.com; cbmeeker@gmail.com; cyoshonis@lwgfllp.com
- Jeffrey I Golden jgolden@wglp.com, kadele@wglp.com; vrosales@lwgfllp.com; cbmeeker@gmail.com
- James KT Hunter jhunter@pszjlw.com
- Steven J Kahn skahn@pszyjw.com
- Joseph M Kar jkar@mindspring.com
- Richard W Labowe richardwlabowe@gmail.com, llhlaw1631@aol.com
- Dare Law dare.law@usdoj.gov, Kenneth.g.lau@usdoj.gov, Alvin.mar@usdoj.gov, ron.maroko@usdoj.gov
- David W. Meadows david@davidwmeadowslaw.com
- Rana Nader rnader@naderlawgroup.com, monique@naderlawgroup.com
- Joel A Osman osman@parkermillsllp.com, sanders@parkermillsllp.com
- Malhar S Pagay mpagay@pszjlw.com, mpagay@pszjlw.com
- Brian A Paino bpaino@mcglinchey.com, crico@mcglinchey.com; selizondo@mcglinchey.com
- Michael F Perlis mperlis@lockelord.com, merickson@lockelord.com, jhagey@lockelord.com, RRJohnson@lockelord.com, bmungaray@lockelord.com
- Michael F Perlis , merickson@lockelord.com, jhagey@lockelord.com, RRJohnson@lockelord.com, bmungaray@lockelord.com
- Hamid R Rafatjoo hrafatjoo@raineslaw.com, bclark@raineslaw.com; cwilliams@raineslaw.com
- Faye C Rasch frasch@wglp.com, kadele@wglp.com; tziemann@wglp.com
- Daniel H Reiss dhr@lnbyb.com, dhr@ecf.inforuptcy.com
- Damion Robinson dr@agzlaw.com
- Lindsey L Smith lls@lnbyb.com, lls@ecf.inforuptcy.com
- Daniel A Solitro dsolitro@lockelord.com, ataylor2@lockelord.com
- United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov
- Alan J Watson alan.watson@hklaw.com, rosanna.perez@hklaw.com

2. SERVED BY UNITED STATES MAIL:

Patricia Salcedo
The Dominguez Firm
3250 Wilshire Blvd #2200
Los Angeles, CA 90010

Diana B Sherman
Law Offices of Diane B Sherman
1801 Century Park East Ste 1200
Los Angeles, CA 90067

Attorneys for Wellgen Standard LLC
Roger G Jones
Austin L. McMullen
Bradley Arant Boult Cummings LLP
1600 Division St Ste 700
Nashville, TN 37203

Philip James Layfield
Register No. 71408-050
MDC Los Angeles
Metropolitan Detention Center
P.O. Box 1500
Los Angeles, CA 90053

SEE ATTACHED SERVICE LIST

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

California Attorney Lending II, Inc.
c/o RICHARD W. LABOWE, A PRO. CORP.
1631 W. Beverly Blvd.
2nd Floor
Los Angeles, CA 90026-5710

Label Matrix for local noticing
0973-2
Case 2:17-bk-19548-NB
Central District of California
Los Angeles
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Employment Development Dept.
Bankruptcy Group MIC 92E
P.O. Box 826880
Sacramento, CA 94280-0001

Franchise Tax Board
Bankruptcy Section MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

L.A. County Tax Collector
Bankruptcy Unit
P.O. Box 54110
Los Angeles, CA 90054-0110

Layfield & Barrett, APC
2720 Homestead Rd Ste 210
Park City, UT 84098-4887

Los Angeles City Clerk
P.O. Box 53200
Los Angeles, CA 90053-0200

Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067-4003

Raines Feldman LLP
Attn: Stephen Farkas
1800 Avenue of the Stars
12th Floor
Los Angeles, CA 90067-4200

Securities & Exchange Commission
444 South Flower St., Suite 900
Los Angeles, CA 90071-2934

South Bay Pain Docs
2557-B Pacific Coast Highway
Torrance, CA 90505-7035

The Dominguez Firm
3250 Wilshire Blvd #2200
Los Angeles, CA 90010-1612

Wells Fargo Bank, National Association
c/o Hemar, Rousso & Heald, LLP
15910 Ventura Blvd., 12th Floor
Encino, CA 91436-2802

Los Angeles Division
255 East Temple Street,
Los Angeles, CA 90012-3332

6 Harbor Park Drive
C/O Jeff Schwartz, COO
6 Harbor Park Dr
Port Washington, NY 11050-4647

855 TrialLawyers.com KPO Ltd
382 NE 191st Street #42308
Miami FL 33179-3899

AT&T Corp.
%AT&T Services, Inc
Karen A Cavagnaro - Lead Paralegal
One AT&T Way, Room 3A104
Bedminster, NJ 07921-2693

Aaron Lavine Greg Stuck Ivan Massey
c/o Daniel I Barness
Barness & Barness LLP
11377 W Olympic Blvd
Los Angeles CA 90064-1683

Access Multilingual Services Inc
11041 Santa Monica Blvd #813
Los Angeles CA 90025-3523

Actonia Inc
9701 W Higgins Rd #320
Rosemont IL 60018-4774

Ada Zelaya
3875 E Ashlan Ave
Fresno CA 93726-3623

Adam Kim
MKP Law Group
468 N. Camden Drive, Ste. 200
Beverly Hills, CA 90210-4507

Advanced Multispecialty Surgery Center
PO Box 491759
Los Angeles CA 90049-8759

Affeld Grivakes LLP
2049 Century Park East, Ste. 2460
Los Angeles, CA 90067-3126

Alan Arnone
Mission Chiropractic
1280 Benton St
Santa Clara CA 95050-4805

All-Pro Medical Group Inc
15827 Russell Street
Whittier CA 90603-2531

Alliance Legal Solutions ,LLC
c/o Cheryl Kaufman
501 South Sharon Amity Road Ste 350
Charlotte NC 28211-3099

Andy Oh
930 N Long Beach Blvd 6
Compton CA 90221-2261

Ann Brabant
503 Olympic Blvd
Santa Monica CA 90401-3311

Antonia Torres
10023 Mallow Dr
Moreno Valley CA 92557-2828

Applied Geokinetics
dba Geokinetics
77 Bunsen
Irvine, CA 92618-4218

Art Hosmer
Gosdis Law Firm PLLC
5085 S State St
Murray UT 84107-4840

Arthur Valdez
5330 Citronell Ave
Pico Rivera CA 90660-2706

Atkinson-Baker, Inc.
500 N. Brand Blvd., Third Floor
Glendale, California 91203-1945

Augspurger Komm Engineering Inc
3315 E Wier Ave
Phoenix AZ 85040-2859

BG Nurse Consultants
1101 Fremont #103
South Pasadena CA 91030-5702

Barbara Blatz
770 C Ave
Coronado CA 92118-2248

Benjamin E. Hernandez
65 Washington St #184
Santa Clara, CA 95050-6138

Benjamin Liang PC
Dr Benjamin Liang, PC
8631 W 3rd St #304E
LA CA 90048-5907

Beringia Central LLC
633 W Fifth Street Suite 830
Los Angeles CA 90071-3540

Bert Rosenquist
Godis Law Firm PLLC
5085 S State Street
Murray UT 84107-4840

Bobbie M Duddey
301 Red Maple PL
Perris CA 92570-2538

Bradley S. Wallace
16000 Ventura Blvd., Ste. 440
Encino, CA 91436-4491

Brandi Posey
2800 W 141 Pl #5
Gardena CA 90249-2737

Brett I Slavicek P.C.
The Slavicek Law Firm
5500 N 24th St
Phoenix AZ 85016-3130

Brian D. Chase
1301 Dove St. Suite 120
Newport Beach CA 92660-2491

C&C Factoring Solutions
6060 W Manchester Avenue Suite 207
Los Angeles, CA 90045-4267

Calendar Rules
Scott Davis
3000 F Danville Blvd #276
Alamo CA 94507-1572

Carl Franklin Ellison-C.D.R.
Carl Ellison-Helen Lacy
PO Box 580041
Elk Grove CA 95758-0001

Carlos Contreras
977 S Calzona St
Los Angeles CA 90023-2318

Carlos Manuel Paz
750 Silver Avenue
San Francisco CA 94134-1060

Carolyn Hacobian
Asbet A Issakhanian Esq
440 Western Ave Suite 205
Glendale CA 91201-3545

Cathleen Couchois
3309 Virginia Ave
Santa Monica CA 90404-5034

Cecilia A Moreno
5739 W Cedar Ave #138
Fresno CA 93710

Checkr Inc
Jared Ricci
1 Montgomery St Ste 2000
San Francisco CA 94104-5520

Chiropractic Fitness PLLC
8316 Pheville-Matthews Rd Ste #806
Charlotte NC 28226-4754

Christina Hicklin
10353 McNerney Avenue
South Gate CA 90280-6709

Christopher A Zahiri - A Medical Corp
PO Box 49455
Los Angeles CA 90049-0455

Christopher Tyler Webster
3493 Wrangler Way
Park City UT 84098-4811

Christopher Vazquez
200 E Leatrice Lane #3
Anaheim CA 92802-4244

Los Angeles City Attorney's Office
200 N Main Street Ste 920
Los Angeles CA 90012-4128

Claudia Eskenazi
Ronald B Cohen
4109 Aleman Dr
Tarzana CA 91356-5403

Constance Ratchford
604 West Narrison
Gastoria NC 28052

Cosmeticare
1101 Bayside Dr #101
Corona Del Mar CA 92625-1754

County of Orange
P.O. Box 4515
Santa Ana, CA 92702-4515
Attn: Bankruptcy Unit

Coverall North America Inc
350 SW 12th Avenue
Deerfield Beach FL 33442-3106

Craig H Edgecumbe
2780 Skypark Dr 325
Torrance CA 90505-5350

Cynthia L Chabay, M.D.
11645 Wilshire Blvd Ste 1100
Los Angeles CA 90025-6807

DEBRA L. SHEPPARD & ASSOCIATES,
A PROFESSIONAL LAW CORPORATION
21243 Ventura Boulevard, Suite 123
Woodland Hills, CA 91364-2163

Daniel Setareh
Setareh Law APLC
8665 Wilshire Blvd #302
Beverly Hills CA 90211-2932

Daniel Tontini
800 W. 6th Street, Suite 500
Los Angeles, CA 90017-2708

Danielle Coprich
67325 Camino Silvaso
Desert Hot Springs CA 92240-7080

David Iwamoto
21022 Anza Ave Apt 211
Torrance CA 90503-4250

David W Martin
POB 3283
Rancho Cucamonga, CA 91729-3283

Dennis Anderson
100 Chicory Court
Lincoln CA 95648-8164

(p)DEPARTMENT OF HEALTH CARE SERVICES
OFFICE OF LEGAL SERVICES MS 0010
ATTN STEVEN A OLDHAM STAFF ATTORNEY
PO BOX 997413
SACRAMENTO CA 95899-7413

Department of the Treasury
Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

Derriona Hall
2538 1/2 E 126th St
Compton CA 90222-1510

Donna Dennis Terry Hanson
11249 E 35 Pl
Yuma AZ 85367-5686

Dr Elias Rached
Moreno Group Center
Moreno Med Care & Chiropractic Clinic
23846 Sunnymead Bl Ste 4
Moreno Valley CA 92553-7737

Dr. Brigitte Rozenberg Chiropractic Inc
12568 W Washington Blvd Ste 202
Culver City CA 90066-5521

Ed and Penni Bailey
4492 S. Enclave Vista Ln.
Salt Lake City, UT 84124-5100

Elisa Anita Diaz
1019 N Wilcox Ave #3
Los Angeles CA 90038-2619

Elise Long
8460 Via Mallorca unit 237
La Jolla CA 92037-2646

Elizabeth Garcia
745 W 3rd St Unit 209
Long Beach CA 90802-2731

Elizardo Saenz
1678 Scott Ave Apt J2
El Centro CA 92243-1233

Ellen Cavalli
PO Box 60832
Irvine CA 92602-6027

Elva Cabral
946 N Eastman Ave
Los Angeles CA 90063-2112

Employers Preferred Insurance Co
10375 Professional Circle
Reno, NV 89521-4802

Eric C Smith D.C.
6431 Fairmount Street Suite 7
El Cerrito CA 94530-3624

Ernesto Gamez
2930 Oarfish Lane
Oxnard CA 93035-1312

Esquire Financial Holdings, Inc.
Kimberly D. Howatt
Gordon & Rees
101 West Broadway, Suite 2000
San Diego, CA 92101-8221

F. David Rudnick, M.D. A Medical Corp
501 Santa Monica Bl #509
Santa Monica, CA 90401-2432

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

Foodcraft Inc
14226 Ventura Blvd.
Sherman Oaks CA 91423-2715

Francisco Correa
c/o Maria Correa
1623 Alber Hill St
Perris CA 92571-3766

Francisco Noel Zavala
Law Offices of Zorik Mooradian
5023 North Parkway Calabasas
Calabasas, CA 91302-1421

Frank Panoussi, D.C.
38344 30th St East
Palmdale, CA 93550-4935

Fred A. Hickey
201 Nevada Street
El Segundo, CA 90245-4211

Fred A. Hickey
Coleman Frost LLP
201 Nevada Street
El Segundo, CA 90245-4211

Fred A. Hickey
c/o Coleman Frost LLP
201 Nevada Street
El Segundo, CA 90245-4211

Gabriela Eddy
Ellis Paul Robin Attorney
1541 Ocean Avenue Second Floor
Santa Monica CA 90401-2100

Gary Tachobanian
2950 Los Feliz Blvd #201
Los Angeles CA 90039-1501

Gene Charles Roland M.D.
3200 Fourth Ave #100
San Diego CA 92103-5716

George Georgiou
579 Bridgeway
Sausalito CA 94965-2248

Gerry Holland
8600 International Ave #153
Canoga Park CA 91304-7506

Ghizala Zaidi
18 Hughes
Irvine CA 92618-1901

Gilbert Gomez, D.C.
2350 W 3rd St., 2nd Fl
Los Angeles, CA 90057-1930

Gilbert Tanap
c/o Michael D. Waks
300 E. San Antonio Dr.
Long Beach, CA 90807-2002

Graham Chiropractic
Dr Chester Graham
3900 Pelandale #125
Modesto CA 95356-9101

Gregory Stuck
3831 58th Street
Sacramento CA 95820-2444

Guillermo Nava
11731 Banner DR
Garden Grove CA 92843-2706

H. Ronald Fisk M.D
8631 W 3rd St #620E
Los Angeles CA 90048-5934

Hamden Injury Rehab Center
1700 Dixwell Ave
Hamden CT 06514-3147

Harry Spearman
Steven C Glickman
9460 Wilshire Blvd Suite 330
Beverly Hills CA 90212-2721

Humberto Alatorre
426 E 29th St
Los Angeles CA 90011-1935

ISSAC RYLIE CASAS
PATRICIA CASAS FOR ISSAC RYLIE CASAS
847 CITRON LANE
SANTA PAULA CA 93060-9157

Insurance COMPANY OF THE West
Daniel B McCarthy, EAQ
15025 Innovation Dr
San Diego CA 92128-3455

International Orthopedic Center
For Joint Disorders
PO BOX 49919
Los Angeles CA 90049-0919

Interventional Spine & Pain Management
274 N Main St
Logan UT 84321-3915

Ioana Aronovici
421 S Fann Street
Anaheim, CA 92804-2619

Irma D Charles
2538 1/2 E 126th St
Compton CA 90222-1510

Jack Smith
889 El Paisano Dr
Fallbrook CA 92028-1139

Jasmine Satterwhite
44045 15th St W Apt 7
Lancaster CA 93534-4020

Javier Castellanos
1875 Cedar Ave #7
Long Beach CA 90806-6135

Jeanette Huerto
7821 Clearfield Ave
Panorama City CA 91402-6509

Jesus Gerardo
1245 P&F Alvarado Dr
Calexico CA 92231-3981

John Finton
LAW OFFICES OF MOSES S. BARDAVID
16177 Ventura Boulevard, #700
Encino, CA 91436

John Habashy
Lexicon Law Group
633 W 5th Street, 28th Floor
Los Angeles, CA 90071-2005

John Zimmerman
Zimmerman Chiropractor & Acupuncture
566 North Diamond Bar Blvd
Diamond Bar CA 91765-1007

Jose Arturo Fonseca
448 E 6th St #2
Pomona CA 91766-3406

Jose Madrigal
Plutarco Elias Calles # 178
Lazaro Cardenas, 58570
Panindicuaro, Michoocan

Joseph M. Barrett
c/o Affeld Grivakes LLP
2049 Century Park East, Ste. 2460
Los Angeles, CA 90067-3126

Josephine Nguyen
Bridgford, Gleason & Artinian
26 Corporate Plaza Ste 250
Newport Beach CA 92660-7993

Judith Johnson
3122-B Via Serena North
Laguna Woods, CA 92637-1999

Justin Peoples
3131 W Euclid Ave
Stockton, CA 95204-1334

Kaila Gibson
360 E. 1st Street #281
Tustin, CA 92780-3211

Kamryn Whitney Court Reporting
2151 Michelson Dr #282
Irvine CA 92612-1374

Karen Tapper
1249 18th Ave #205
S. F. CA 94122-1867

Karl H Harer D.C.
4517 Market St #1
Ventura, CA 93003-7841

Karl R Harer D.C.
4517 Market St #1
Ventura, CA 93003-7841

Karoline St. George
MKP Law Group
468 N. Camden Dr., Ste. 200
Beverly Hills, CA 90210-4507

Kathy Townsend Court Reporters
110 12th Street NW
Albuquerque NM 87102-2801

Kendra Rabb Jones
12175 Brianwood Dr.
Riverside CA 92503-6751

Kenneth Shiozaki and Melissa Shiozaki
3137 West 180th Place
Torrance CA 90504-4017

Kenny E Palacios
3313 W 133rd Street
Hawthorne CA 90250-6305

Kent Law, PLC
7540 S. Willow Drive
Tempe, AZ 85283-5004

Keyauna McFarland
12007 N Lamar Blvd Apt 1325
Austin TX 78753-1722

Kristofer Jordan Henry
13562 Quail Run Rd
Eastvale CA 92880-9057

LOS ANGELES COUNTY TREASURER AND TAX COLLECTOR
PO BOX 54110
LOS ANGELES CA 90054-0110

9900 S Van Ness Ave
Los Angeles, CA 90047-4038

Larena M Lundy
293 Woodland Dr
Wofford Heights CA 93285-9621

Laura Rasheed
33114-1st PL SW #902
Federal NY WA 98023-6222

Lawrence Miller MD
1158 26th St #458
Santa Monica CA 90403-4698

Layton Chiropractic Clinic
1025 N Main Street
Layton UT 84041-4857

Lionel Terry Jr
20 Midway Street
Buffalo NY 14215-2228

Lonnie Isadore Young/J-85354
401/5 low
PO Box 3535
Norco, CA 92860-0999

Lucy Vergara
15607 E Avenue Q1
Palmdale CA 93591-2912

Luis Amescua Ramirez
9301 Mate Ave Apt 6
LA CA 90002

Lydia Lopez
7332 Tujunga Ave Apt 8
North Hollywood CA 91605-3965

MEA Forensic Engineers & Scientists
23281 Vista Grande Dr
Laguna Hills CA 92653-1408

MKP Law Group
468 N. Camden Drive, Ste. 200
Beverly Hills, CA 90210-4507

MLC Health Group Inc
7805 Reseda Blvd
Reseda CA 91335-1919

MLC Health Group Inc
7913 Jamieson St
Reseda CA 91335-2220

Maha Yasin
11834 Doty Ave
Hawthorne CA 90250-3239

Mahmoud Osman
2210 Santa Clara Ave
Alameda CA 94501-4417

Maria A Rios
520 W Cressey St
Compton, CA 90222-3527

Maria Castaneda
4817 Oak St
Pico Rivera CA 90660-2249

Maria Hernandez
15027 Christopher St
Adelanto CA 92301-6159

Maria Sabordo
7821 Clearfield Ave
Panorama City CA 91402-6509

Maria Teresa Rivas de Ramirez
9301 Mate Ave Apt 6
LA CA 90002

Mario Lara
1110 Lilan Way #1
Los Angeles CA 90038-1657

Mario Lara
5407 Sierra Vista #301
Los Angeles, CA 90038-4221

Marlene Beatty
21018 Gresham St #209
Canoga Park CA 91304-1793

Mary L Spearman
Steven C Glickman
9460 Wilshire Blvd Suite 330
Beverly Hills CA 90212-2721

Mary Torres
1617 Greenville Dr
West Covina CA 91791-3526

Master Software NA
11B 139 Drake St
Vancouver,BC v6Z2t8

Maureen Wan-Chu
1004-C S. 4th St
Alhambra, CA 91801-4780

Maurizio Bertoldi
2014 W. West Wind
Santa Ana, CA 92704-7146

Melisa Hayes
7009 E Acoma Dr #2092
Scottsdale AZ 85254-2738

MetaJure Inc
2701 1 St Ave Ste 320
Seattle WA 98121-1123

Method Technologies, Inc.
10805 Holder Street, Suite 100
Cypress, CA 90630-5145

Michael C Kennedy DC PC
3002 N 7th Ave
Phoenix Arizona 85013-4105

Michael D. Waks
300 E. San Antonio Dr.
Long Beach, CA 90807-2002

Michael Haiby
19425 Soledad Cyn Rd Ste 252
Santa Clarita CA 91351-2632

Mitchell Tyler Middleton
4628 Pepperwood Ave
Long Beach CA 90808-1071

Montclair Open MRI
PO Box 351358
Los Angeles CA 90035-9758

Moses Bardavid
16133 Ventura Blvd. #700
Encino, CA 91436-2406

Mulvey Cornell & Mulvey PA
378 Islington Street
Portsmouth NM 03801-4206

Mumini Wahab
1115 Virginia Ln Apt 34
Concord CA 94520-4130

Myriam Parra
7607 Manzanar Ave
Pico Rivera CA 90660-4430

NAKITA RAY SMITH
306 CAROLINA AVE
TARBORO NC 27886-4904

NDS
PO BOX 61002
Anaheim, CA 92803-6102

National Record Retrieval, LLC
c/o Rubin & Levin P.C
135 N Pennsylvania ST Ste 1400
Indianapolis IN 46204-2489

Nationwide Legal, LLC
c/o Allen Hyman, Esq.
10737 Riverside Drive
North Hollywood, CA 91602-2324

Nayazi Reyes
1549 W San Bernadino Rd
Apt S
West Covina, CA 91790-1035

Nazarian Plastic Surgery
120 S Spalding Dr Suite 315
Beverly Hills CA 90212-1836

Network Court Reporting & Video
940 South Ave W Ste 2C
Westfield NJ 07090-1490

Nga Phung, entity
Huong Phung
412 N Valley St #3
Anaheim CA 92801-5761

Norma Jean Wilson Thomas
113 East Rosecrans Ave
Compton CA 90222-4118

Nuance Document Imaging, Inc.
c/o Tiffany S. Cobb; Vorys, Sater,
Seymour and Pease LLP
52 East Gay Street
Columbus, OH 43215-3108

Ocala Spine & Injury
1541 SE 17th St
Ocala FL 34471-4607

Octavio Abraham VELAZQUEZ
1268 E MCFADDEN AVE 3B
SANTA ANA CA 92705-4168

Olson Hagel & Fishburn LLP
555 Capito Mall Suite 400
Sacramento CA 95814-4503

Orbie Troy Davis
321 N Mall Dr Ste H-102
St George UT 84790-7341

PATRICIA CASAS
847 CITRON LANE
SANTA PAULA CA 93060-9157

Parehjan & Vartzar Chiro, Inc.
3450 Wilshire Blvd., Ste. 316
Los Angeles, CA 90010-2259

Parehjan Vartzar & Khosrovian Chiropractic,
4511 Whittier Blvd.
Los Angeles, CA 90022-2407

Penny Injury Chiropractic

9140 W. Thomas Rd., Ste. B-105

Phoenix, AZ 85037-3378

Personal Court Reporters

14520 Sylvan St

Van Nuys CA 91411-2324

Main Document Page 13 of 16

Phillip E. Scott

32302 Alipaz #245

San Juan Capistrano, CA 92675-4162

Pitney Bowes Global Financial Services LLC

Pitney Bowes Inc

27 Waterview Dr 3rd Fl

Shelton CT 06484-4361

Premier Medicare Set-Aside Specialists LLC

2328 Southgate Hills Dve

St George UT 84770-8738

Price Chiropractic Inc

471 Ainsley Ave

Yuba City CA 95991-4105

Rachel Martinez

5339 Mitchell Ave

Riverside CA 92505-1344

Raines Feldman LLP

Attn: Hamid R. Rafatjoo

1800 Avenue of the Stars, 12th Floor

Los Angeles, CA 90067-4200

Ramiro Hurtado

2440 N Ditman Ave

Los Angeles CA 90032-3220

Ramona Trejo Ortega

1013 Spence St

LA CA 90023-2313

Randi Mona Paz

750 Silver Avenue

San Francisco CA 94134-1060

Raskey Chiropractic, Jerry Raskey

Law Office of Melissa Raskey

PO Box 5316

Hemet CA 92544-0316

Raymundo Landeros

9603 Rieshel St

Pico Rivera CA 90660-3307

Reasoning Inc

1341 Gilbert Road

Meadowbrook PA 19046-1815

Richard D. Keys

Bidna & Keys, APLC

5120 Campus Drive

Newport Beach, CA 92660-2101

Rita Mims

2118 W 83rd Street

Los Angeles CA 90047-2936

Robert Vartzar Chiropractic, Corp.

17547 Chatsworth St., #1/2

Granada Hills, CA 91344-5720

Roberta Jacobs

1041 N La Jolla Ave

West Hollywood CA 90046-5910

Rodney Pimentel

c/o McMurray Henriks LLP

Attn: Yana Henriks

5670 Wilshire Blvd., Ste 1450

Los Angeles, CA 90036-5610

Ryan McClinton

11199 Sorrento Vly Rd 201

San Diego CA 92121-1334

SOLEMON HAKIMI, MD

1140 S. ROBERTSON BLVD #3

LOS ANGELES, CA 90035-1404

STEPHEN H BARKOW MD INC

26902 OSO PARKWAY #120

MISSION VIEJO CA 92691-5801

Sandra Castellanos

15970 Ute Rd

Apple Valley CA 92307-3133

Shepherd and Associates P.C

Attorney Kevin Shepherd

200 E Broadway Ave Ste 410

Maryville TN 37804-5754

Sherrye D Baker

6853 Potomac St #29

San Diego CA 92139-1118

Shin MRI

266 S Harvard Ave #180

Los Angeles CA 90004-4374

Shred-It USA LLC

7734 S 133rd Street

Omaha NE 68138-3499

Slav Kasrelievich

c/o Barness & Barness

11377 W Olympic Blvd

Los Angeles, CA 90064-1625

Spence Chiropractic Center

8555 Station Village Lane Ste B

San Diego CA 92108-6567

Spine California Comprehensive Injury

1904 Harbor Blvd #427

Costa Mesa CA 92627-2669

Spine Care & Orthopedic Physicians
8610 S Sepulveda Boulevard Suite 109
Los Angeles CA 90045-4009

Sprint Corp Correspondence
Main Document
Attn Bankruptcy Dept
PO Box 7949
Overland Park KS 66207-0949

Steuber Corporation
20425 S Susana Rd
Long Beach CA 90810-1136

Steven Biegel, PC
155 Valencia St
SF CA 94103-1117

Summit County Treasurer
PO Box 128
Coalville UT 84017-0128

Susana Lopez
1273 N Quincy Ave
Ogden Utah 84404-3376

Tabatha Eddy
Ellis Paul Robin Attorney
1541 Ocean Avenue Second Floor
Santa Monica CA 90401-2100

Tahee A Rasheed
1419 Striped Bass St #F
San Francisco CA 94130-1623

Tesa Renee Scott Henry
13562 Quail Run Road
Eastvale CA 92880-9057

The Sullivan Group of Court Reporters
4802 E 2nd St Ste 3
Long Beach CA 90803-5312

Thelma Ceballos
626 1/2 S Woods Ave
Los Angeles CA 90022-3268

Thomas Resendez D.C.
2930 Coronado Ave Ste B
San Diego CA 92154-2188

Thomson Reuters
Thomson Reuters-Legal
610 Opperman Drive
Eagan MN 55123-1340

Timothy S Blevins
6360 Dulcet Pl
Riverside CA 92506-5105

Toll Creek LC
Debbie Sanich
13979 Sage Hollow Dr
Draper UT 84020-5621

Toll Creek Owners Association Inc
c/o Jacob Watterson
130 South Main Ste 200
PO Box 525
Logan UT 84323-0525

Top Healthcare Consulting Center
300 W 6th St #206
Los Angeles CA 90014

Topmark Floor & Design
1490 Munchkin Rd #105B
Park City UT 84060-5179

Transportation Corridor Agencies
125 Pacifica Ste 100
Irvine CA 92618-3324

Triumshire International, L.P.
E-Land Company, Tenants in Common
8 Corporate Park Ste: 300
Irvine, CA 92606-5196

Twins Chiropractic & Physical Medicine
600 S Placentia Ave Ste 600
Placentia CA 92870-6300

US Claims Opco LLC
6125 S. Congress Avenue, Suite 200
Delray Beach, FL 33445

USA Express Legal & Investigative Services I
USA Express
21031 Ventura Blvd Ste 920
Woodland Hills CA 91364-6516

United States Trustee (LA)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560

Universal Imaging Center
616 E Alvarado St Ste E
Fallbrook CA 92028-2350

Veritext Corp
290 West Mt. Pleasant Ave. Suite 2260
Livingston NJ 07039-2765

Vernora Shack
917 Springfield #A
Upland CA 91786-3024

Veronica Maravilla
1272 E 83rd St
Los Angeles CA 90001-3316

Wellgen Standard, LLC, Successor-in-Interest
50 Ridgewood Road
Chagrin Falls, OH 44022-2932

Wells Fargo Bank, National Association
c/o Jennifer Witherell Crastz
Hemar, Rousso & Heald, LLP
15910 Ventura Blvd., 12th Floor
Encino, CA 91436-2829

Westpoint Physical Therapy Center Inc
1115 W Ave M14
Palmdale CA 93551-1407

Whittier Spine Center
PO Box 1108
Hutto TX 78634-1108

Yale E Booska
17439 SE 82nd Pecan Terrace
The Villages FL 32162-2878

Main Document Page 15 of 16

Yanet Perez
2711 Ballard St
Los Angeles CA 90032-2717

Yolanda Lachi Ignacio
c/o Cher J. Vasquez
1055 West 7th Street, Suite 2800
Los Angeles, CA 90017-2554

Yolanda Lachi Ignacio
c/o Oliver J Vasquez, Esq
1055 West 7th Street, Suite 2800
Los Angeles, CA 90017-2554

Yvonne De La Paz
31111 Via Sonora
San Juan Capistrano CA 92675-2839

Zelandia Fero
PO Box 2483
Pasadena CA 91102-2483

John Finton
c/o LAW OFFICES OF MOSES S. BARDAVID
16133 Ventura Boulevard
7th Floor
Encino, CA 91436-2403

Richard Pachulski (TR)
10100 Santa Monica Blvd., 13th Floor
Los Angeles, CA 90067-4003

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POB 997413
MS 0010
Sacramento, CA 95899

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(d)Bay City Surgery Center, Inc.
2557-A Pacific Coast Highway
Torrance, CA 90505-7035

(u)Esquire Bank National Association and Esqu

(d)Slav Kasreliovich
c/o Barness & Barness LLP
11377 W Olympic Blvd
Los Angeles CA 90064-1683

(d)South Bay Pain Docs
2557-B Pacific Coast Highway
Torrance, CA 90505-7035

(d)The Dominguez Firm
3250 Wilshire Blvd #2200
Los Angeles, CA 90010-1612

(u)Aaron Lavine

(u)Daniel Tontini

(u)Joseph Martin Barrett

(d)Maria A Rios
520 W Cressey St
Compton, CA 90222-3527

(d)Mario Lara
5407 Sierra Vista #301
Los Angeles, CA 90038-4221

(d)Nayazi Reyes
1549 W San Bernadino Rd
Apt S
West Covina, CA 91790-1035

(u)Roberta Jacobs

(u)Stella Havkin

(u)Tina Talarchyk

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